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U.S. Department of Justice

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CALEA Implementation Section
Suite 300
14800 Conference Center Drive
Chantilly, VA 20151

July 1, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TWB-204
Washington, D.C. 20554

Re: **EX PARTE PRESENTATION**
In the Matter Of: Communications Assistance for Law Enforcement Act
CC Docket No. 97-213

Dear Ms. Salas:

The Commission recently received comments addressing its May 7, 1999 Public Notice dealing with revenue estimates that several telecommunications equipment manufacturers submitted to the Commission in connection with the above-captioned matter. One of the comments, submitted by the Texas Advisory Commission on State Emergency Communications and Texas Emergency Communication Districts (Texas 911 Agencies) on May 16, 1999, raised an issue collateral to the subject matter of the Public Notice, and invited the other interested parties to address this issue. The Department of Justice and Federal Bureau of Investigation (DOJ/FBI) hereby offers its comments.

The Texas 911 Agencies observe, as has the Commission, that the technical requirements connected with CALEA's "location information" capability may overlap with the technical requirements of the Enhanced 911 Emergency (E911) Calling Systems rule (CC Docket No. 94-102). Texas 911 Agencies Comments 2; FNPRM ¶ 56. The Texas 911 Agencies accordingly note that there is a risk of "double recovery of costs for the same technical requirements," and suggest that this risk might be addressed by means of "a reasonable allocation of any cost recovery between CALEA compliance and E911 emergency service compliance." Texas 911 Agencies Comments 2.

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DOJ/FBI agrees with the Texas 911 Agencies that the possible overlap between CALEA solutions and E911 solutions raises a risk of intentional or accidental double recovery, and that an effective mechanism for preventing such double recovery is necessary. However, DOJ/FBI notes that Congress has assigned full responsibility for the creation and maintenance of this mechanism to the Attorney General. See 47 U.S.C. s 1008. The Attorney General has fulfilled this responsibility by promulgating a set of regulations governing the reimbursement process. See 28 C.F.R. Part 100. Thus, it is not necessary for the Commission to address this issue.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter are enclosed. Copies of this letter are simultaneously being provided to the Commission representatives identified above.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. Michael Warren", with a stylized flourish at the end.

H. Michael Warren
Section Chief
CALEA Implementation Section

cc: Chairman William Kennard, Commissioner Ness, Commission Furchtgott-Roth, Commissioner Powell, Commissioner Tristani, Dale Hatfield, Thomas Sugrue, Julius Knapp, Rodney Small, Geraldine Matise, Jim Green, Charles Iseman